

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Mitchell Maw (1)

**WARRANT FOR ARREST**Case Number: 20-cr-03683-JLS-1**NOT FOR PUBLIC VIEW**To: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest Mitchell Maw (1)

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition  
☒ Pretrial Violation

charging him or her with (brief description of offense):

See above

In violation of Title See Above United States Code, Section(s) \_\_\_\_\_

John Morrill

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

s/ Z. Akindipe

Signature of Deputy

6/22/2021 San Diego, CA

Date and Location

Bail fixed at \$ NO BAILby The Honorable Mitchell D. Dembin

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

**UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA**

**Petition for Warrant for Defendant on Pretrial Release**

**Name of Defendant:** Mitchell Maw

**Dkt No.:** 3:20CR3683-JLS-001

**Reg. No.:** 97859-298

**Name of Judicial Officer:** The Honorable Janis L. Sammartino, U.S. District Judge (Referred to the Honorable Mitchell D. Dembin U.S. Magistrate Judge)

**Date Conditions Ordered:** November 4, 2020, before the Honorable Mitchell D. Dembin, U.S. Magistrate Judge

**Charged Offense:** Title 21 U.S.C. 952, 960: Importation of a Controlled Substance (Felony)

**Conditions of Release:** Mandatory Conditions - not violate federal, state, or local law during period of release. Standard Conditions - must appear in court as ordered and surrender as directed to serve any sentence; not possess a firearm, destructive device, or other dangerous weapon; must legally transfer all firearms as directed by Pretrial Services; not use or possess a narcotic drug or other controlled substance without lawful medical prescription; must not use or possess marijuana under any circumstances; provide a current residence address and phone number and keep it current while case is pending; must report as directed by the Pretrial Services Office and follow all directions of the Pretrial Services Office; travel restricted to the Southern District of California, the District of Utah and points in between as necessary; do not enter Mexico. Additional Conditions: actively seek or continue full-time employment; or schooling, or a combination of both; submit to psychological/psychiatric treatment at Pretrial Services' discretion, bond packet is due by November 10, 2020.

**Modification:** On November 6, 2020, the conditions of release were modified by the Honorable Mitchell D. Dembin, U.S. Magistrate Judge, upon the request of Pretrial Services to include the defendant submit to drug testing and/or outpatient substance abuse therapy and counseling, as directed by the Pretrial Services Office. testing may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing, Pretrial Services need not notify the Court of test results attributed to residual elimination and participate in and complete a program of inpatient substance abuse therapy and counseling, as directed by the Pretrial Services Office.

**Date Released on Bond:** November 4, 2020

**Next Court Hearing:** August 13, 2021, at 9:00 am, for Sentencing with PSR before the Honorable Janis L. Sammartino, U.S. District Judge.

**Asst. U.S. Atty.:** Ashley E. Goff  
(619) 546-9735

**Defense Counsel:** Sara Marie Peloquin (appointed)  
(619) 234-8467

**Prior Violation History:** On November 23, 2020, the Court was notified the defendant used heroin on November 22, 2020, as evidenced by his own admission. On November 24, 2020, an Order to Show Cause hearing was held before the Honorable William V. Gallo, U.S. Magistrate Judge, during which

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the defendant admitted the allegation and was ordered to report to Odyssey House inpatient drug treatment facility in Salt Lake City, Utah, on November 30, 2020, by 11:00 a.m. During the hearing, the defendant further admitted using heroin prior to Court and indicated his urine sample submitted on November 24, 2020, would be positive for opiates. The Court agreed to take no action.

On December 6, 2020, the Court was notified on November 25, 2020, the urine sample collected on November 24, 2020, screened positive for amphetamines and opiates; and subsequently, confirmed positive for methamphetamine in addition to opiates. Additionally, on December 2, 2020, the undersigned was contacted by the defendant's Pretrial Services supervision officer in the district of Utah, Jacob King, who indicated the defendant screened positive for amphetamines and opiates on November 27, 2020, prior to entering inpatient substance abuse treatment on November 30, 2020. Officer King attempted to contact the defendant to address the positive samples; however, the defendant was in mandatory quarantine at Odyssey House inpatient drug treatment facility and was not available via phone. The Court held action in abeyance as to the confirmed urine sample.

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## PETITIONING THE COURT

### TO ISSUE A NO BAIL BENCH WARRANT

The Pretrial Services officer believes that the defendant has violated the following condition(s) of pretrial release:

#### CONDITION(S)

Defendant must not use or possess a narcotic drug or other controlled substance without a lawful medical prescription; must not use or possess marijuana under any circumstances

#### ALLEGATION(S) OF NONCOMPLIANCE

1. The defendant used controlled substances as evidenced by a urine sample collected on November 24, 2020, which confirmed positive for methamphetamine.
2. On June 21, 2021, the defendant admitted using methamphetamine and heroin for two weeks.

#### Grounds for revocation:

The defendant was released on bond on November 4, 2020, following his initial appearance. On November 5, 2020, the undersigned reviewed the conditions of release with the defendant which includes the condition the defendant must not use or possess a narcotic drug or other controlled substance without a lawful medical prescription. The defendant acknowledged understanding of all conditions of release.

During the Order to Show Cause hearing on November 24, 2020, Pretrial Services advised the Court that the urine sample collected on that date would screen positive for opiates given the defendant admission of heroin use on November 22, 2020, and Pretrial Services was instructed not to report the positive drug result. On November 25, 2020, the undersigned was notified the urine sample collected on November 24, 2020, screened positive for amphetamines and opiates and was sent to the national lab for confirmation. On December 2, 2020, the undersigned received notification from Alere Toxicology that the urine sample collected on November 24, 2020, confirmed positive for methamphetamine in addition to opiates. Additionally, on December 2, 2020, the undersigned was

contacted by the defendant's Pretrial Services supervision officer in the district of Utah, Jacob King, who indicated the defendant screened positive for amphetamines and opiates on November 27, 2020, prior to entering inpatient substance abuse treatment on November 30, 2020. Officer King attempted to contact the defendant to address the positive samples; however, the defendant was in mandatory quarantine at Odyssey House inpatient drug treatment facility and was not available via phone.

On June 18, 2021, the undersigned was contacted by the defendant's Pretrial Services supervision officer in the District of Utah, Jacob King, indicating on June 10, 2021, the defendant submitted a urine sample, which screened positive for opiates and amphetamines. Officer King reported he attempted to contact the defendant to discuss the positive results; however, all attempts to contact him on that date were unsuccessful. Officer King noted he spoke with the defendant's sister, who was housing the defendant, and she reported the defendant was on his third day of detoxing from heroin use, noting he had been using since May 2021.

On June 21, 2021, Officer King spoke with the defendant regarding his positive urine sample and the defendant stated he recently lost his job due to a conflict with co-workers, was dealing with stress from his accumulating court fines, and has issues with his girlfriend. He indicated he dealt with the stress poorly and relapsed on methamphetamine and heroin. Officer King asked the defendant how long he had been using and the defendant stated approximately two weeks. When asked when he last used, the defendant stated the weekend of June 19 through 20, 2021. Officer King admonished the defendant for continuing to use illicit substances on federal bond following the completion of an inpatient substance abuse program and advised him this violation would be reported to the Court in the Southern District of California.

### **CONDITION(S)**

Submit to drug testing and/or outpatient substance abuse therapy and counseling, as directed by the Pretrial Services Office

### **ALLEGATION(S) OF NONCOMPLIANCE**

3. The defendant failed to appear for substance abuse treatment as directed on June 14, 17, and 18, 2021.

### **Grounds for revocation:**

The defendant was released on bond on November 4, 2020, following his initial appearance. On November 6, 2020, the conditions of release were modified by the Honorable Mitchell D. Dembin, U.S. Magistrate Judge, upon the request of Pretrial Services to include the defendant submit to drug testing and/or outpatient substance abuse therapy and counseling, as directed by the Pretrial Services Office. Pretrial Services discussed the proposed modification with the defendant, and he indicated he was amenable to the modification.

On June 18, 2021, the undersigned was contacted by the defendant's Pretrial Services supervision officer in the District of Utah, Jacob King, indicating the defendant failed to appear for substance abuse treatment as directed on June 14, 17, and 18, 2021. On June 21, 2021, Officer King spoke with the defendant regarding his failures to appear for substance abuse treatment and directed him to return to groups immediately. The defendant acknowledged his understanding and agreed to return to groups.



**SUPERVISION ADJUSTMENT**

The defendant's adjustment to supervision is assessed as unsatisfactory. Since being placed on pretrial release, the defendant has failed to comply with his conditions of release on multiple occasions by continuing to use methamphetamine and heroin on bond and failing to appear for outpatient substance abuse treatment as directed. There is a concern he is unable or unwilling to comply with the Court-ordered conditions of release and presents an increased risk of nonappearance and danger to the community.

Computerized record checks completed on June 21, 2021, reveal no new arrests or convictions.

**RECOMMENDATION/JUSTIFICATION**

In light of the aforementioned information, Pretrial Services respectfully recommends your Honor issue a no bail bench warrant for the defendant's arrest so he can be brought before the Court to show cause why his bond should not be revoked.

**I declare under penalty of perjury that the  
forgoing is true and correct.**


**Executed on:** June 22, 2021

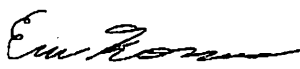
Respectfully submitted:

Review and approved:

Lori Garofalo  
Chief U.S. Pretrial Services Officer

by

  
\_\_\_\_\_  
Lucas Gravell  
U.S. Pretrial Services Officer  
619-446-3740  
Place: San Diego, California

  
\_\_\_\_\_  
Eric Kosmo  
Supervisory U.S. Pretrial Services Officer

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**THE COURT ORDERS:**

  X   **AGREE**, issue a no bail bench warrant for the defendant's arrest, and order him to show cause why his bond should not be revoked.

       Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The Honorable Mitchell D. Dembin  
U.S. Magistrate Judge

6/22/21

Date